

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

FEDERAL RESERVE BANK)	
Of ST. LOUIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18cv-01205 JCH
)	
PLANVIEW DELAWARE LLC,)	
)	
Defendant.)	

**JOINT MOTION TO FILE EXHIBITS UNDER SEAL
AND REDACT CERTAIN PORTIONS OF THE PLEADINGS**

Plaintiff Federal Reserve Bank of St. Louis (“Plaintiff”) and Defendant Planview Delaware LLC (“Defendant”) (collectively, the “Parties”), by and through the undersigned counsel, hereby submit their Joint Motion to Seal Exhibits, and state as follows:

1. On July 20, 2018, Plaintiff filed its Complaint against Defendant related to the Parties’ SaaS Master Agreement (“Agreement”).
2. Contemporaneously, Plaintiff filed its Motion for Leave to File Exhibit Under Seal. In its Motion, Plaintiff requested that the Agreement, Exhibit 1 to the Complaint, be filed under seal, pursuant to the Agreement’s provision that its terms would be kept confidential. See Dkt. # 2.
3. On August 3, 2018, the Court granted Plaintiff’s Motion. See Dkt. # 8.
4. On August 13, 2018, Defendant filed its Answer and Counterclaim. See Dkt. # 12. Defendant attached five (5) exhibits to its Counterclaim (the “Exhibits”). See Dkt. # 12-1 through 12-5.
5. At the time of filing, Defendant did not seek leave of the Court to file the Exhibits under seal, which included the Parties’ Agreement.

6. In discussing settlement of this matter, the Parties have agreed that their pleadings and the Exhibits attached thereto contain certain confidential, personal information of their employees and their proprietary trade secrets and business information and that such information should be protected from continued public disclosure.

7. As part of the Parties' settlement process, the Parties have agreed to file this joint motion requesting that the Court protect the confidentiality of their confidential business information/trade secrets and the personal information of their employees.

8. Under Federal Rule of Civil Procedure 26(c)(1)(G), the Court may order that materials containing "a trade secret or other confidential research, development, or commercial information" be filed under seal.

9. The Exhibits contain not only the Agreement, which is confidential as set forth in Plaintiff's prior Motion, Dkt. #2, but also confidential materials related to the Parties' Agreement and personal information related to the Plaintiff's employees.

10. In particular, continued public disclosure of the Agreement has the potential to undercut Defendant's competitive position in the marketplace and damage the economic value of its business information.

11. Plaintiff also wants to protect the personal information of its employees which is contained in certain Exhibits from continued disclosure to the public.

12. For all of these reasons, the Parties are requesting that Court remove the Exhibits from the public record and allow the Defendant to refile its Exhibits under seal.

13. Because the Parties' Pleadings also quote certain portions of the Agreement and contain other references to confidential information relating to the Agreement, they are requesting the following:

- a. The Court remove the Complaint from the public record and allow Plaintiff to file the redacted Complaint attached hereto as Exhibit A as the replacement for it.
- b. The Court remove the Answer and Counterclaim from the public record and Defendant to file the redacted Answer and Counterclaim attached hereto as Exhibit B as the replacement for it.

WHEREFORE, Plaintiff Federal Reserve Bank of St. Louis and Defendant Planview Delaware LLC respectfully request that the Court grant their Joint Motion to Seal Exhibits 1 through 5 of Defendant's Counterclaim and allow each party to file redacted pleadings in lieu of the original pleadings filed, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was served on the attorneys of record in accordance with Federal Rules of Civil Procedure on the 27th day of September, 2018, as follows:

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/s/ Kelley F. Farrell